

Federal Trade Commission

§ 1.98

(c) Any election to have this section apply may not be revoked except with the consent of the Commission.

§ 1.96 Compromise of penalty.

The Commission may compromise any penalty or proposed penalty at any time, with leave of court when necessary, taking into account the nature and degree of violation and the impact of a penalty upon a particular respondent.

§ 1.97 Amount of penalty.

All penalties assessed under this subchapter shall be in the amount per violation as described in section 333(a) of the Energy Policy and Conservation Act, 42 U.S.C. 6303(a), adjusted for inflation pursuant to § 1.98, unless the Commission otherwise directs. In considering the amount of penalty, the Commission shall take into account:

- (a) Respondent's size and ability to pay;
- (b) Respondent's good faith;
- (c) Any history of previous violations;
- (d) The deterrent effect of the penalty action;
- (e) The length of time involved before the Commission was made aware of the violation;
- (f) The gravity of the violation, including the amount of harm to consumers and the public caused by the violation; and
- (g) Such other matters as justice may require.

[32 FR 8444, June 13, 1967, as amended at 61 FR 54548, Oct. 21, 1996]

Subpart L—Civil Penalty Adjustments Under the Debt Collection Improvement Act of 1996

AUTHORITY: Pub. L. 101-410 (28 U.S.C. 2461 note), as amended by sec. 31001(s), Pub. L. 104-134 (Apr. 26, 1996), 110 Stat. 3009 *et seq.*

SOURCE: 61 FR 54549, Oct. 21, 1996, unless otherwise noted.

§ 1.98 Adjustment of civil monetary penalty amounts.

Effective November 20, 1996, dollar amounts specified in civil monetary penalty provisions within the Commission's jurisdiction are adjusted for inflation in accordance with paragraphs

(a) through (l) of this section. The adjustments set forth in this section apply to violations occurring after November 20, 1996. The adjustments are as follows:

(a) Clayton Act section 7A(g)(1), 15 U.S.C. 18a(g)(1), adjusted from \$10,000 to \$11,000 per violation;

(b) Clayton Act section 11(j), 15 U.S.C. 21(j), adjusted from \$5,000 to \$5,500 per violation;

(c) FTC Act section 5(j), 15 U.S.C. 45(j), adjusted from \$10,000 to \$11,000 per violation;

(d) FTC Act section 5(m)(1)(A), 15 U.S.C. 45(m)(1)(A), adjusted from \$10,000 to \$11,000 per violation;

(e) FTC Act section 5(m)(1)(B), 15 U.S.C. 45(m)(1)(B), adjusted from \$10,000 to \$11,000 per violation;

(f) FTC Act section 10, 15 U.S.C. 50, adjusted from \$100 to \$110 per violation;

(g) Webb-Pomerene (Export Trade) Act section 5, 15 U.S.C. 65, adjusted from \$100 to \$110 per violation;

(h) Wool Products Labeling Act section 6(b), 15 U.S.C. 68d(b), adjusted from \$100 to \$110 per violation;

(i) Fur Products Labeling Act section 3(e), 15 U.S.C. 69a(e), adjusted from \$100 to \$110 per violation;

(j) Fur Products Labeling Act section 8(d)(2), 15 U.S.C. 69f(d)(2), adjusted from \$100 to \$110 per violation;

(k) Energy Policy and Conservation Act section 333(a), 42 U.S.C. 6303(a), adjusted from \$100 to \$110 per violation; and

(l) Civil monetary penalties authorized by reference to the Federal Trade Commission Act under any other provision of law within the jurisdiction of the Commission, adjusted in accordance with paragraphs (c), (d), (e) and (f) of this section, as applicable.

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Inquiries; Investigations; Compulsory Processes

Sec.

- 2.1 How initiated.
- 2.2 Request for Commission action.
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